**THE HON'BLE SRI JUSTICE P.S.NARAYANA**

**WRIT PETITION NO.17093 OF 2006**

**DATED: 17.8.2006**

**BETWEEN:**

**D.**Sami Reddy
And others. … Petitioners.

And

The Municipal Corporation of Hyderabad,
Hyderabad. … Respondent.

**THE HON'BLE SRI JUSTICE P.S.NARAYANA**

**WRIT PETITION NO.17093 OF 2006**

**ORDER:**

Heard the counsel.

The writ petition is filed for a writ of mandamus declaring the notice Proc.No.2189/TP/MCH/SD/2006 dated 8.8.2006 issued by the respondent as illegal, arbitrary and violative of principles of natural justice and set aside the same and to pass such other suitable orders.

It is stated that the petitioners are absolute owners of the suit scheduled property and the petitioners obtained permission for construction of building with ground floor plus, first and second floors, dated 17.9.2002. It is also stated that due to natural slope of the plot, the building was constructed by the petitioners with pillars from the down level to bring the plot to the road level and thereby natural cellar is formed and the building was constructed and completed long back. It is also stated that the respondent had issued a notice in Proc.No.2189/TP/MCH/SD/2006 dated 8.8.2006 directing the petitioners to demolish the alleged deviation and unauthorized structures within three days failing which the same would be removed by the department. It is also stated that in the impugned notice, the respondent alleged that the petitioners filed O.S.No.3 of 2004 on the

file of III Senior Civil Judge, City civil Court, Secunderabad and obtained interim injunction. The said notice dated 8.8.2006 is served on the petitioners on 14.8.2006. The main grievance of the petitioners is that the impugned notice is served under Section 636 of the Hyderabad Municipal Corporation Act without following the due process of law. It is needless to say that the respondent to follow the procedure as contemplated by law.

In view of the facts and circumstances of the case, the respondent-Corporation can treat the impugned notice as show cause notice and give opportunity to the petitioners to raise objections, if any, and to file such objections within a period of two weeks from today. Till a decision is taken and appropriate orders are made in relation to the objections, which may be raised by the petitioners, no activity of demolition in relation to the subject matter of the writ petition to be further proceeded with.

With the above direction, the writ petition is disposed of. No costs.

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**17.8.2006.**

**mdaa.**